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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,848	08/29/2003	Karim Nassiri Toussi	50019.244US01/P05665	8148

23552 7590 01/17/2007  
MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

EXAMINER
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TORRES, JUAN A

ART UNIT	PAPER NUMBER
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2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/651,848

Applicant(s)

TOUSSI ET AL.

Examiner

Juan A. Torres

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-20 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to because:

- a) It is not understood the label of the first block below character 100 in figure 1, which output is connected to block 120 Initial State 0.
- b) It is not understood the label of the third block below character 100 in figure 1, which output is connected to block 124 Initial State 0.
- c) It is not understood the label above block 114.
- d) It is not understood the label (typ) below block 150.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

a) The recitation "WCDMA" in the second line of the abstract is improper because this term has not been introduced previously; it is suggested to be changed to "wideband code division multiple access (WCDMA)".

b) The recitation "x-LFSR" in the third line of the abstract is improper because this term has not been introduced previously; it is suggested to be changed to "x-LFSR (linear feedback shift register)".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-7, claims 1-7 are directed to an algorithm for generating new initial state that consists solely of the manipulation of an abstract idea don't produce any practical application that produces a useful, concrete and tangible result, that is not statutory subject of matter. See *In re Warmerdam*, 33 F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir.1994). See also *Schrader*, 22 F.3d at 295, 30 USPQ2d at 1459. Claims 1-7 don't produce any practical application that produces a useful, concrete and

tangible result State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02 (emphasis added).

As per claims 8-13, claims 8-13 are directed to an algorithm for generating a downlink scrambling code that consists solely of the manipulation of an abstract idea don't produce any practical application that produces a useful, concrete and tangible result, that is not statutory subject of matter. See In re Warmerdam, 33 F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir.1994). See also Schrader, 22 F.3d at 295, 30 USPQ2d at 1459. Claims 8-13 don't produce any practical application that produces a useful, concrete and tangible result State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02 (emphasis added).

#### ***Allowable Subject Matter***

Claims 14-20 are allowed.

The following is an examiner's statement of reasons for allowance: claims 14-20 are allowed because the references cited fail to teach, as applicant has a downlink scrambling code generator, comprising an auxiliary linear feedback shift register that is arranged to receive a first initial state, a primary-mask that is combined with an initial state of the auxiliary linear feedback shift register to produce a new initial state, a first main linear feedback shift register that is arranged to receive the new initial state, a second main linear feedback shift register that is arranged to receive a second initial state, a set of fixed masks that are arranged to receive outputs from the first main linear feedback shift register and the second main linear feedback shift register, a set of logic gates that are arranged to produce a set of outputs in response to the outputs from the

first main linear feedback shift register and the second main linear feedback shift register and other outputs from at least one of the set of fixed masks, wherein the set of outputs are combined to produce a downlink scrambling code, as the applicant has claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

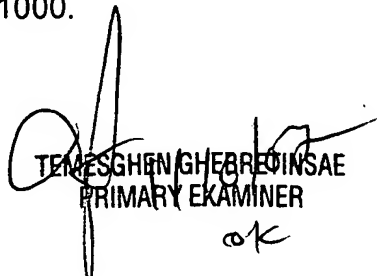
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Iacono (US 20030223397 A1) discloses techniques for the generation of codes for Code Division Multiple Access (CDMA) applications. Schooler (US 6667708 B2) discloses a programmable code generator for generating code sequences. Terasawa (US 6735606 B2) discloses generating a pseudorandom noise (PN) sequence composed of one or more PN sequences, with the ability to rapidly slew from one offset to another. Hwang (US 6956948 B1) discloses concurrently generating scrambling codes for a normal transmission mode and scrambling codes for a compressed transmission mode, using a pair of initial values without the need for modifying the initial values. Li (US 6937643 B2) discloses generating pseudo-random number (PN) sequences or vectors based on ROM(s).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan A. Torres whose telephone number is (571) 272-3119. The examiner can normally be reached on Monday-Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Juan Alberto Torres  
10-18-2006

  
TEMESGHEN GHEBREGIORIS  
PRIMARY EXAMINER  
OK